

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In Re: Colleen Fish, R.N.

Petition No. 990322-010-024

CONSENT ORDER

WHEREAS, Colleen Fish, R.N. (hereinafter "respondent") of Windsor, Connecticut has been issued license number R23558 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. Respondent was employed as a registered nurse at BlueRidge Center in Bloomfield, Connecticut from October 5, 1995 through March 17, 1999.
2. On February 28, 1997, respondent's license lapsed and continues to be lapsed.
3. Respondent altered the expiration date on her registered nursing license three times. The licenses were altered in 1997, 1998 and 1999.
4. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, 20-99(b), including but not limited to:
 - a. 20-99(b)(2).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board").

Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(b) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives her right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number R23558 to practice as a registered nurse in the State of Connecticut is hereby placed on probation for one (1) year, subject to the following terms and conditions:
 - A. Within sixty (60) days from when the last signatory signs this Consent Order, respondent shall, at her own expense, submit to and complete a psychiatric evaluation by a Connecticut licensed psychiatrist and/or psychologist approved by the Department and the Board. Such evaluation shall be completed and the report of such evaluation shall be delivered to the Department and the Board.
 - (1) Respondent shall provide a copy of this Consent Order and a copy of the Investigation Report and the exhibits thereto to the evaluator(s).
 - (2) The evaluator's report shall include an opinion regarding whether respondent is able to practice nursing with reasonable skill and safety under the terms and conditions set forth in this Consent Order.

- (3) If the evaluator's report does not conclude that respondent is able to practice nursing with reasonable skill and safety under the terms and conditions set forth in this Consent Order, the fact shall constitute a violation of this Consent Order.
- B. If therapy is recommended by the evaluator(s), at her own expense, respondent shall engage in therapy and counseling with a Connecticut licensed or certified therapist (hereinafter "therapist") approved by the Board and the Department for the period of time recommended by the evaluator(s).
- (1) She shall provide a copy of this Consent Order to her therapist.
 - (2) Her therapist shall furnish written confirmation to the Board and the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If respondent's therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy is warranted, or that respondent should be transferred to another therapist, he or she shall advise the Board and the Department. Said termination of therapy, reduction in frequency of therapy, and/or respondent's transfer to another therapist shall not occur until approved by the Board after consultation with the Department.
 - (4) The therapist shall immediately notify the Board and the Department in writing if respondent discontinues therapy and/or terminates his/her services.
- C. Respondent shall be responsible for the provision of written reports from her therapist directly to the Board and the Department monthly for the duration of her probation. Such reports shall include documentation of dates and treatment, an evaluation of

respondent's progress in treatment, and an evaluation of her ability to safely and competently practice nursing.

- D. Respondent shall pay a civil penalty of one-thousand dollars (\$1,000). The civil penalty shall be payable in two installments, the first at the three-month interval and the second at the six-month interval following the date on which this Consent Order is approved and accepted by the Board. The civil penalty shall be paid by certified or cashier's checks payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check.
- E. Respondent shall provide a copy of this Consent Order to all current and future employers for the duration of her probation.
- F. Respondent shall be responsible for the provision of written reports directly to the Board and the Department from her nursing supervisor (i.e., Director of Nursing) monthly for the duration of her probation. Employer reports shall include documentation of respondent's ability to safely and competently practice nursing, and shall be issued to the Board and the Department at the address cited in paragraph 3L below.
- G. Respondent shall notify the Board and the Department in writing of any change of employment within fifteen (15) days of such change.
- H. Respondent shall notify the Board and the Department of any change in her home or business address within fifteen (15) days of such change.
- I. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

J. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of the respondent's nursing license following notice and an opportunity to be heard.
5. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
7. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
8. Respondent understands this Consent Order is a matter of public record.
9. Respondent understands this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Board in which (1) her compliance with this same Consent Order is at issue, or (2) her compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
10. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to

the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that her failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

11. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
12. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.

13. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
14. Respondent has had the opportunity to consult with an attorney prior to signing this document.

I, Colleen Fish, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Colleen J Fish
Colleen Fish

Subscribed and sworn to before me this 1st day of July, 1999.

LINDA L. LYNCH
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2000

Linda L. Lynch
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 2nd day of July, 1999, it is hereby accepted.

Kathleen C. Zarrella
Kathleen C. Zarrella
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 21st day of July, 1999, it is hereby ordered and accepted.

BY: Nancy B. Balfanz
Connecticut Board of Examiners for Nursing